

REMARKS

Election/Restriction

Applicant confirms election of the claims of Group II, claims 1-13 for continued examination in this application. Claims 14-16 are now deemed to be withdrawn from further consideration by the examiner as being drawn to a non-elected invention.

Drawings

Withdrawal of the drawing objections is respectfully requested in view of the fact that the alleged missing element in the drawings (“the supporting device reciting claims 9 and 13”) in fact are actually illustrated in the drawings as elements 10 and 11. The examiner’s attention is invited to the description beginning at the bottom of page 10 and extending to the first paragraph on page 11.

Objections to Specification

The specification has been corrected to show headings.

Claim Objections

Claims 3, 6 and 12 have been amended to avoid the pronouns “they” and “them”.

Claim Rejections – 35 USC §102

It is respectfully submitted that the rejection of claims 1-13 as originally presented in view of U.S. 5,797,230 (Lassen) is improper, to the extent that Lassen fails to show the recited hardened concrete layer (element 3 in the drawings). Accordingly, in view of the missing element, the rejection of the claims under 35 USC §102(b) is improper.

With the objective of more precisely reciting the inventive subject matter and to avoid any possible misinterpretation of the claims, claims 1, 12 and 13 have been amended to specifically recite the hardened concrete layer (3) as a “lower” layer and to further recite that the reinforcing elements are embedded in the lower concrete layer and extend upwardly therefrom, while cavity defining elements extend partially upwardly from the lower concrete layer with the reinforcement elements. Moreover, the cavity defining elements and the lower concrete layer are recited as being configured to be covered over with concrete at a later

stage. All of the amendments could have been inferred from the original claim language, and the amendments are intended to more precisely recite that which could have been inferred from the original claim.

It is clear that Lassen contains no lower hardened concreted layer in which the number of reinforcement elements are imbedded and extend upwardly from, along with cavity defining elements extending upwardly from the concrete layer with the reinforcement elements. Lassen fails to show a structure wherein the cavity defining elements and a lower concrete layer are configured to be covered over with concrete at a later stage.

In view of the numerous shortcomings in Lassen with regard to anticipation, it is respectfully submitted that withdrawal of the rejection of claims 1, 12 and 13, along with the claims dependent therefrom, is appropriate and the same is respectfully requested.

It is also respectfully submitted that Lassen does not support a rejection under 35 U.S.C. §103, insofar as the reference lacks any teaching or suggestion of the recited claim elements.

Accordingly, allowance of the application as amended is appropriate and the same is respectfully requested.

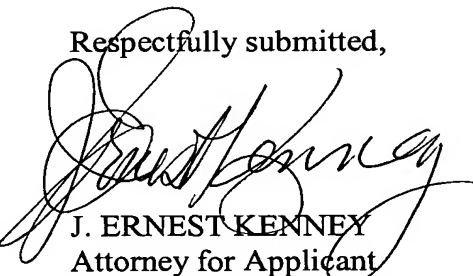
Request for Reconsideration of Restriction

The examiner is requested to reconsider a restriction withdrawing claims 14, 15 and 16 from consideration in view of the amendments made to claims 1-13 and the arguments presented above with regard to the patentability of the apparatus claims.

The application having been placed fully in condition for allowance, the same is respectfully requested.

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Respectfully submitted,



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